

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:21-CV-500-FL

PAMELA JOAN GRIFFIS,

Plaintiff,

v.

UNITES STATES POSTAL SERVICE,
CHRIS ALEXANDER, and MIKE
WOMACK,

Defendants.

ORDER

This matter is before the court for review pursuant to 28 U.S.C. § 1915(e) of plaintiff's pro se complaint, (DE 1-1, 1-2), alleging wrongful termination, hostile work environment, and retaliatory discharge in violation of the Age Discrimination in Employment Act (ADEA), 29 U.S.C. § 621 et seq. United States Magistrate Judge Kimberly A. Swank entered order and memorandum and recommendations ("M&R"), pursuant to 28 U.S.C. § 636(b)(1)(C) and Fed. R. Civ. P. 72(b), wherein it is recommended that the court dismiss plaintiff's claims against plaintiff's supervisors, defendants Chris Alexander ("Alexander") and Mike Womack ("Womack"), as individual employees cannot be liable under the ADEA. (DE 4 at 4 (citing Birkbeck v. Marvel Lighting Corp., 30 F.3d 507, 510–11 (4th Cir. 1994))). Plaintiff objected to the M&R. In her objection, plaintiff seeks to raise new claims against the individual defendants under the Fair Labor Standard Act 29 U.S.C. §§ 201, et seq.

Plaintiff is accordingly DIRECTED to file an amended complaint by **July 29, 2022**. Where plaintiff has been allowed to proceed in forma pauperis, plaintiff's amended complaint will again

be subject to frivolity review pursuant to 28 U.S.C. § 1915(e)(2)(B). Upon its review, the court will consider only the amended complaint as the operative complaint and it will not look back through prior pleadings to glean other claims. Plaintiff is therefore DIRECTED to include within her complaint all claims she intends to make against defendants.

SO ORDERED, this the 8th day of July, 2022.



LOUISE W. FLANAGAN
United States District Judge